

D. REMARKS

This Amendment is in response to a non-final Office Action bearing a mailing date of December 28, 2006.

Double Patenting

Applicant has attached hereto a Terminal Disclaimer to obviate the rejection of double patenting resulting from the issuance of U.S. Patent 6,925,768. The requisite fee for the terminal disclaimer is submitted herewith as Exhibit A-1.

Claim Rejections - 35 USC §112

Claim 1 has been amended to more clearly describe the geometric relationship between the legs and the base of the anchor, specifically, identifying the faces of the anchor base.

Claim Rejections - 35 USC §103

Applicant's attorney has analyzed the 35 USC §103 rejection, starting with Paragraph 8 of the Detailed Action, and respectfully responds as follows:

1. In paragraph 8 of the Detailed Action, the Examiner rejects claims 1-6, and 8 under 35 U.S.C. 103(a) as being unpatentable over Hohmann, U.S. Patent 4,598,518 in view of Wilhelmi, U.S. Patent 5,598,680. In reference to Hohmann '518 the Examiner has stated that "The wall anchor (12) comprises legs (A,B) with portions that extend perpendicularly from the body of the anchor and have

channels (32). The mounting surface of the wall anchor (12) forms a covering portion that would preclude the penetration of air and moisture." Hohmann '518 identifies bores (32), not channels, where the critical difference between the two types of features is that a bore will guide a fastener's point of entry but not provide any angular guidance, whereas a channel will guide a fastener along the length of penetration. Further, the bore (32) of Hohmann '518 is situated in the base while the channel (47 in the present invention, per amended paragraphs above) of the present application is an integral portion of the leg. The present invention contains bores identified by the longitudinal axes (50) and (52) but has added channels (47) in order to provide more accurate guidance of fasteners. Note that the inboard legs of the present invention function cooperatively with the longitudinal axes and channels to provide this more accurate guidance of the fasteners, too. A guiding channel of this type requires a structure such as the inboard leg taught by the present invention. The outboard nature of the legs taught by Hohmann '518 would preclude the straightforward use of guide channels incorporated into the leg structures, thus teaching away from the use of such.

Another distinct and nonobvious functional difference between the inboard leg and the prior art outboard leg is that the inboard

leg provides inherently substantially better environmental sealing than the prior art outboard leg. Both the inboard leg and the outboard leg create the same perforation through the substrate material, with the cross-sectional perimeter of the leg defining the path of entry through the perforation for any environmental contamination. However, the inboard leg, if substantially surrounded by a planar boundary of material as it is in the various embodiments of the invention, has the perimeter of the perforation it creates effectively sealed off from the environment by the surrounding planar boundary of material. In contrast, the prior art leg situated at the end of the structure has by definition at least 50% of the associated perforation perimeter exposed to the environment, thus not effectively precluding the penetration of air and moisture.

Yet another difference between the inboard leg and the prior art outboard leg is taught in the newly added paragraph 82.1, wherein it is described that in actual observed installation conditions, the use of anchors formed with inboard legs corrects for the tendency found with prior art outboard legs to impart an arcuate and insulation-damaging path to the anchor as it is driven into the insulation.

Thus, the use of the inboard leg as taught in Claim 1 of the invention yields a novel and unobvious environmental sealing regime in comparison with the less capable types of environmental seals available with the prior art outboard leg.

2. Claims 2-5 and 8 are viewed as providing further structural details of Claim 1. Claim 6 has been cancelled.

3. In Paragraph 10 of the Detailed Action, the Examiner cites Claims 1, 3-8, 10-11 and states that "...the wall construction is not given any patentable weight." Applicant agrees with this statement but contends that the above discussion of Claim 1 makes this moot, and further so for Claims 3-5, 7-8, 10-11 in that they provide further structural details of Claim 1.

4. In regards to Paragraph 11 of the Detailed Action, per statements in Sections 1 and 2 above, Claim 5 is viewed as providing further structural details of Claim 1. Further, Claim 5 has been amended to more clearly and accurately describe the geometric relationship between the legs and the plate-like body.

5. In regards to Paragraph 12 of the Detailed Action, Claim 6 has been cancelled and rewritten in independent form as Claim 13 with more description of the folded geometry necessary to produce an inboard leg. Further, the discussion of inboard versus outboard legs in Section 1 and the discussion in Section 3 are both equally germane to the new independent Claim 13.

6. In regards to Paragraph 13 of the Detailed Action, per statements in Section 1 above, Claim 8 is viewed as providing further structural details of Claim 1.

7. In regards to Paragraph 14 and 15 of the Detailed Action, all the statements in Section 1 above concerning Hohmann '518 are equally germane to Hohmann, U.S. Patent 5,454,200 and Claim 7 is viewed as providing further structural details of Claim 1.

8. In paragraph 16 of the Detailed Action, the Examiner rejects claims 9-12 under 35 U.S.C. 103(a) as being unpatentable over Hohmann, U.S. Patent 4,598,515 in view of Wilhelmi, U.S. Patent 5,598,680 and further in view of Liu, U.S. Patent 6098364. Applicant respectfully suggests that the Hohmann patent being referenced is actually Hohmann, U.S. Patent 4,598,518. The

statements in Section 1 above concerning Hohmann '518 are equally valid for considering Claim 9, wherein the tubular leg satisfies the conditions of being both inboard for improved benefit in sealing and of providing longitudinal guidance to the fastener. Further, the inboard tubular leg is a more complex and expensive structure to manufacture than the outboard bent leg, and thus shares with the folded metal inboard leg the fact that it is a structure that the much simpler Hohmann '518 outboard bent leg teaches away from.

The Examiner states "Liu, however, discloses a wall anchor having outwardly extending tubular members (210) that sheathe mounting hardware." In Liu '364 column 2, lines 44-45, this apparatus is disclosed as "fastening member (210) such as bolt and plug". An examination of Fig. 5 shows this to be an expansion anchor designed for use in concrete or similar hard, dense materials. This style of tubular member, upon having a bolt inserted and tightened, exerts outward radial pressure upon the hole in which it has been placed, thus producing a clamping force to keep whatever is being fastened in place. Thus, the tubular member of Liu '364 is itself a mechanically integral part of the mounting hardware, not something simply serving as a guiding and

positioning element as is the tubular leg taught by the present invention.

Further, as shown in Fig. 7 of the present invention, the fastener (148) guided by the tubular leg (156) of the present invention does not have any mechanical engagement with the insulation (116) and wallboard (117), and unlike the bolt within the tubular member of Liu '364 extends past the tube end and mechanically engages with the columns (117). The tubular leg (156) also provides no lateral clamping force against the surrounding material and in fact no clamping force at all, so the tubular member of Liu '364 must be seen as additionally teaching away from the tubular leg embodiment of the present invention. Additionally, Claim 9 has been amended to more clearly describe the geometric relationship between the tubular legs and the plate-like body.

9. In regards to Paragraph 18 of the Detailed Action, p e r statements in Section 8 above, Claims 10-12 are viewed as providing further structural details of Claim 9. Additionally, Claims 10 and 12 have been amended to more clearly and accurately describe the relationship between the sealant means and the plate-like body.

10. New Claims 14-19 have been added and are viewed as providing further structural details of Claim 13.

Amendments to the Specification

Paragraph [001] of the Application has been amended to provide the patent number afforded upon issuance of Application Serial No. 10/426,993.

Paragraph [030.1] has been added to the Application in order to more clearly describe the form and function of the inboard legs of the second embodiment.

Paragraph [053.1] has been added to the Application in order to more clearly describe the specific nature of the inboard leg and to provide antecedent basis for the terms "base surface", "mounting surface" and "outer face".

Paragraph [062] of the Application has been amended to correct a reference number error and to more precisely and comprehensively describe the form and typical manufacturing of the inboard legs.

Paragraph [065] of the Application has been amended to correct several reference number errors.

Paragraph [070] of the Application has been amended in order to more clearly and accurately describe the geometric relationship between the tubular legs, the tubular leg bases and the base surface of the anchor.

Paragraph [071] of the Application has been amended to correct several reference number errors.

Paragraph [072] of the Application has been deleted as unnecessary or incorrect text.

Paragraph [073] of the Application has been deleted as unnecessary or incorrect text.

Paragraph [078] of the Application has been amended to correct a reference number error.

Paragraph [081] of the Application has been amended to correct a reference number error.

Paragraph [082.1] has been added to the Application in order to clarify the benefit of inboard legs in avoiding damage to insulation during anchor installation.

Amendments to the Drawings

Fig. 1 of the Application has been amended to include a header with identifying information.

Fig. 2 of the Application has been amended to include the reference numbers **58**, **60** and **84** and a header with identifying information. Please note that there is no reference number **27**, and it has been removed from the Specification and replaced with the reference number **47** as described in the **Amendments to the Specification** section above.

Fig. 3 of the Application has been amended to include the reference number **84** for the strengthening ribs and to include a header with identifying information.

Fig. 4 of the Application has been amended to include reference numbers **58, 60 and 84** and a header with identifying information.

Fig. 5 of the Application has been amended to include a header with identifying information.

Fig. 6 of the Application has been amended to show the strengthening ribs protruding in the correct direction, to include the reference number **184** for the strengthening ribs and to include a header with identifying information.

Fig. 7 of the Application has been amended to include reference numbers **158, 160 and 184** and a header with identifying information.

Fig. 8 of the Application has been amended to include a header with identifying information.

Fig. 9 of the Application has been amended to include reference numbers **258 and 284** and a header with identifying information, the header being shared with **Fig. 10**. The Detailed Action had also listed reference number **260** as missing, but that reference number was already present in **Fig. 9**.

Fig. 10 of the Application has been amended to correct the reference number for the point of inflection to 294, to include reference number 284 for the strengthening ribs and to include a header with identifying information, the header being shared with Fig. 9.

Conclusion

With the above Amendment and the Terminal Disclaimer, it is respectfully urged that the Application is in condition for Allowance, and the Applicant looks forward to an early and favorable review.

If the Examiner has further questions that can be resolved by telephone, the Examiner is invited to call the undersigned.

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